

Derrick Cowan
3276 Clifton Farm Drive
Atlanta Georgia 30034
404-492-2742 derrickcowan@ymail.com
RECEIVED IN CLERK'S OFFICE
U.S.D.C. Atlanta

-ODE

**FEB 20 2013 IN THE UNITED STATES DISTRICT COURT
FOR THE Northern DISTRICT OF Georgia**

JAMES M. HATTEN, Clerk
By: *[Signature]*
Deputy Clerk

**Derrick Cowan
Plaintiff**

v.

First Communities Management Inc.

Defendant

Civil Action No.

1:13-CV-0541

Jury Trial Demanded

COMPLAINT

PRELIMINARY STATEMENT

This is an employment-related action for violations of the Plaintiff's civil rights by his employer, First Communities Management under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* ("Title VII"). The employer engaged unlawful employment discrimination in violation of Title VII by engaging in wrongful termination acts against the Plaintiff.

Qualified and by the continual actual and attempted interference with his work duties and assignments.

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, Title VII, and related sections applicable as the United States and/or its agencies are a named defendant to the action.

2. The unlawful employment practices alleged below were committed and/or executed by supervisory personnel of First Communities Management Inc., or (“employer”), which is a part of the Georgia Secretary Of State Corporation Division. The claims arise from events in Decatur facility at Serenade Apartments 3859 Flat Shoals Parkway Decatur Ga 30034 . Accordingly, venue lies in the United States District Court For Northern District of Georgia under 42 U.S.C. § 2000e .

PARTIES

3. The Plaintiff, Derrick Cowan, is an adult individual who has a mailing address of 3272 Clifton Farm Drive , Decatur Georgia, and was a Leasing Consultant employed by First Communities Management Inc . Company

4. The Defendant, First Communities Management Inc. is the Corporation Division The Georgia Secretary of State named defendant herein in his official capacity.

5. First Communities Management Inc engages in commerce for the purposes of Title VII and qualifies as an employer within the meaning of the statute and regulations at issue.

STATEMENT OF FACTS

6. The Plaintiff had been employed full time by First Communities for approximately 90 Days and has worked as A Leasing Consultant at all times relevant

hereto.

7. After Being wrongfully terminated by a female manager and being replaced by another female. departure of the hiring manager, another Manager,

8. As a result Stephanie, was reassigned to the Serenade Apartments After one week of employment I was told by her I was not A good fit for the property .

9. I had now pryor write ups or warnings be it verbal or written

10. I was then given A separation notice that was not signed and with the wrong company name. The reason stated was "Lack Of Productivity"

11. I Have over 15 years experience as A Property Management Professional. I am Very Efficient and knowledgeable about the industry. My Passion for my industry is what burns the integrity I feel for people Housing is the single largest investment we make as Americans . So no its not "lack of productivity. Its discrimination .

12. A biased, tainted process that was inconsistent with the usual terminating procedures.

13. I was initially given the incorrect separation notice By Stephanie That was the Day I was told I was not a good fit for the property . I Was Terminated .

14. I sent an initial email to Ms. Kirkpatrick September 11th about my employment status .She Gave me A call back on my cell phone & told me I would need to take that matter up with Stephanie and Brian

15. Secondly I sent a email to Brian Files About my separation notice no response.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

24. 25. The EEOC issued a right to sue letter on September 17th 2012 and it was received 90 days or less before this filing.

26. The Plaintiff has performed all conditions precedent, if any, required for the filing and pursuit of a claim for judicial relief under Title VII and its related regulations.

REMEDIES and RELIEF

27. The Plaintiff is entitled to relief under Title VII for his employer's unlawful discriminatory conduct and retaliation, including but not limited to for the Employer's disparate treatment of the Plaintiff for engaging in protected activities.

28. Plaintiff respectfully requests that the Court enter judgment in his favor and against the Defendant and direct the following relief:

- a. For a money judgment representing compensatory damages, including lost wages, and all other sums of money, including retirement benefits and other employment benefits, together with interest thereon;
- b. For a money judgment representing liquidated damages for the Defendants' willful violations of Title VII, and any related statutes, regulations and rights;
- c. For a money judgment representing prejudgment interest;
- d. For
- f. That the Court retain jurisdiction over this action until the Defendant has

fully complied with Orders of this Court and that the Court require Defendant to file such reports as may be necessary to supervise such compliance;

- g. For costs of suit, including an award of reasonable attorneys' fees; and
- h. For such other and further relief as may be just and proper.

JURY DEMAND

29. The Plaintiff herein hereby demands a trial by jury on all issues in this action.

WHEREFORE, the Plaintiff respectfully requests that the Court enter judgment in his favor and against the Defendant.

Respectfully Submitted,

3276 CLIFTON FARM DR.
DECATUR, GEORGIA 30034
(404) 992-2742

Date: 2/20/13



DERRICK COWAN

Plaintiff

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC

410-2012-06457

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Derrick Cowan

Home Phone (Incl. Area Code)

(404) 492-2742

Date of Birth

07-08-1964

Street Address

City, State and ZIP Code

3276 Clifton Farm Dr., Decatur, GA 30034

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

1ST COMMUNITIES, INC.

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(404) 252-8900

Street Address

City, State and ZIP Code

1200 Lake Hearn Dr., Suite 200, Atlanta, GA 30319

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE
 ☐ COLOR
 ☒ SEX
 ☐ RELIGION
 ☐ NATIONAL ORIGIN
☐ RETALIATION
 ☐ AGE
 ☐ DISABILITY
 ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

09-10-2012

09-10-2012

☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I began my employment with the above-employer on June 27, 2012, as a Leasing Agent. On September 10, 2012, I was discharged.

I was told by Stephanie LNU, Property Manager, that I was discharged because I was not a good fit. My separation notice states that I was discharged because of productivity.

I believe I have been discriminated against because of my sex (male), in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Sep 18, 2012

Date

Charging Party Signature

1510-1100



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Atlanta District Office

100 Alabama Street, SW, Suite 4R30
Atlanta, GA 30303
TTY (404) 562-6801
FAX (404) 562-6909/6910

October 31, 2012

EEOC Charge No: 410-2012-06457

Mr. Derrick Cowan
3276 Clifton Farm Dr.
Decatur, GA 30034

Dear Mr. Cowan,

This letter is to inform you that your charge has been recently assigned to me for investigation.


The amount of time required for me to obtain, review, and analyze evidence will depend on the complexity of the charge, the number of charges assigned to me and the completeness of the information received from you and the Respondent.

Due to my heavy workload and scheduled investigations out in the field, I may not always be immediately available to receive or respond to calls or other communications. However, I will return your call, and provide any and all relevant information regarding the investigation of your charge, at my earliest convenience.

You may submit any relevant information and/or documentation in support of your allegations to me at the above referenced address. Please keep me informed of any changes to your address and/or telephone number.

Please direct all correspondence and questions regarding this charge to my attention, utilizing the above reference charge number. I can be reached at (404) 562-6849 between the hours of 8:30 a.m. to 4:00 p.m. Monday thru Friday.

Sincerely,


Ananda L. Harris
Investigator

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

Exhibit A

To: **Derrick Cowan**
3276 Clifton Farm Dr
Decatur, GA 30034

From: **Atlanta District Office**
100 Alabama Street, S.W.
Suite 4R30
Atlanta, GA 30303



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

410-2012-06457**Ananda L. Harris,**
Investigator**(404) 562-6849**

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)


Bernice Williams-Kimbrough,
District Director**DEC 28 2012**

(Date Mailed)

cc: **Vanessa Stephens**
Paralegal
Providian Law Group
5601 Mariner St. Ste. 105
Tampa, FL 33609

Kenneth I. Sokolov, Esq.
Kenneth I. Sokolov, P.C.
1126 Ponce de Leon Ave, NE
Atlanta, GA 30306

Atlanta District Office
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
100 Alabama Street, S.W.
Suite 4R30
Atlanta, GA 30303

OFFICIAL BUSINESS
Penalty for Private Use, \$300

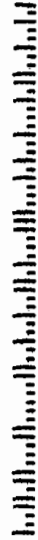
ALH/2

Derrick Cowan
3276 Clifton Farm Dr
Decatur, GA 30034

*Rec'd
12/31/12*



30034370976



To: Atlanta District Office
100 Alabama Street, S.W.
Suite 4R30
Atlanta, GA 30303

From: Derrick Cowan
3276 Clifton Farm Dr.
Decatur, GA 30034

Ref: EEOC Charge No. 410-2012-06457

Dear Ananda L. Harris,

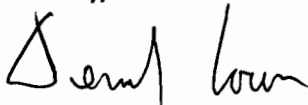
I am requesting a copy of my charge file and information obtained during the investigation. Please forward this information to:

Derrick Cowan at 3276 Clifton Farm Dr, Decatur, GA 30034.

I would also like assistance in finding a lawyer to assist in bring suit on my behalf. I also would like advice with which U.S. District Court can hear my case.

I can be reached via cell at 404-492-2742 or email at: derrickcowan@ymail.com

Sincerely,



Derrick Cowan

To: Atlanta District Office
100 Alabama Street, S.W.
Suite 4R30
Atlanta, GA 30303

From: Derrick Cowan
3276 Clifton Farm Dr.
Decatur, GA 30034

Date: 02/07/13

Ref: **(Second Request)** EEOC Charge No. 410-2012-06457

Dear Ananda L. Harris,

I am requesting a copy of my charge file and information obtained during the investigation for EEOC Charge No. 410-2012-06457.

Please forward this information to:

Derrick Cowan at 3276 Clifton Farm Dr, Decatur, GA 30034.

I would also like assistance in finding a lawyer to assist in bring suit on my behalf. I also would like advice with which U.S. District Court can hear my case.

I can be reached via cell at 404-492-2742 or email at: derrickcowan@ymail.com

Sincerely,

A handwritten signature in black ink that reads "Derrick Cowan". The signature is written in a cursive, flowing style.

Derrick Cowan

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Derrick Cowan**
3276 Clifton Farm Dr
Decatur, GA 30034

From: **Atlanta District Office**
100 Alabama Street, S.W.
Suite 4R30
Atlanta, GA 30303



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

410-2013-01888**David Hendrickson,**
Investigator**(404) 562-6948***(See also the additional information enclosed with this form.)***NOTICE TO THE PERSON AGGRIEVED:**

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


Bernice Williams-Kimbrough,
District Director**JAN 17 2013***(Date Mailed)*

Enclosures(s)

cc: **Eric Ranney**
Registered Agent
SERENADE HOLDINGS, LLLP
2966 Howell Mill Road, Nw
Atlanta, GA 30327

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Derrick Cowan**
3276 Clifton Farm Dr
Decatur, GA 30034

From: **Atlanta District Office**
100 Alabama Street, S.W.
Suite 4R30
Atlanta, GA 30303



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(b))

EEOC Charge No.

EEOC Representative

Telephone No.

410-2013-01888

David Hendrickson,
Investigator

(404) 562-6948**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

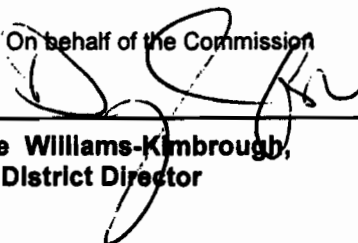
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Bernice Williams-Kimbrough,
District Director

JAN 31 2013

(Date Mailed)

Enclosures(s)

cc:

Eric Ranney
Registered Agent
SERENADE HOLDINGS, LLLP
2966 Howell Mill Road, Nw
Atlanta, GA 30327



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Atlanta District Office

100 Alabama Street, SW, Suite 4R30
Atlanta, GA 30303
Atlanta Direct Dial: (404) 562-6821
FAX (404) 562-6909/6910

Mr. Derrick Cowan
3276 Clifton Farm Drive
Decatur, GA 30034

EEOC Charge Number: 410-2013-01888
Respondent: Serenade Holdings, LLLP

Dear Mr. Cowan:

Your charge of employment discrimination has been reviewed by EEOC in accordance with the Commission's processing procedures. This letter will serve as an explanation concerning our determination of the merits on the above-referenced charge of discrimination. The determination relies on the following information:

On January 17, 2013, you filed a charge of discrimination alleging that you were discriminated against because of your sex (Male) in violation of Title VII of the Civil Rights Act of 1964, as amended.

Based upon the examination of the charge file information, we have determined that EEOC will discontinue further processing of your claim. Accordingly, you will have to file a private lawsuit if you want to continue to challenge the alleged discrimination. This practice is consistent with the Commission's Priority Charge Handling Procedures when the office has sufficient information from which to conclude that it is not likely that further investigation will result in a violation of the statutes we enforce.

Enclosed please find your **Dismissal and Notice of Rights and Information Sheet**. If you want to pursue your charge further, you have the right to sue the employer named in your charge in U.S. District Court within **ninety (90) days** from the date you receive the enclosed notice. Please read the documents carefully.

Sincerely,

A handwritten signature in black ink, appearing to read "David Hendrickson", is written over a large, stylized "Z" or "2" shape.

David Hendrickson
Sr. Investigator

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

410-2013-01888

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Derrick Cowan

Home Phone (Incl. Area Code)

(404) 492-2742

Date of Birth

07-08-1964

Street Address

City, State and ZIP Code

3276 Clifton Farm Dr, Decatur, GA 30034

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

SERENADE HOLDINGS, LLLP

No. Employees, Members

Unknown

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

2966 Howell Mill Road, Nw, Atlanta, GA 30327

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

09-10-2012

09-10-2012

☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began my employment with the above-employer on June 27, 2012, as a Leasing Agent. On September 10, 2012, I was discharged.

I was told by Stephanie LNU, Property Manager, that I was discharged because I was not a good fit. My separation notice states that I was discharged because of productivity.

I believe I have been discriminated against because of my sex (male) in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Jan 17, 2013

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

State of Georgia
Department of Labor

SEPARATION NOTICE

1. Employee's

Name Derrick S Cowan 2. SSN 2 5 4 - 9 2 - 8 2 1 3

a. State any other name(s) under which employee worked: _____

3. Period of Last Employment: From 06/27/2012 To 09/10/2012

4. REASON FOR SEPARATION:
- ☐
- a. LACK OF WORK
-
- ☒
- b. If other than lack of work, state fully and clearly the circumstances of the separation. Type Below.

Lack of productivity

5. Employee received payment for: (Severance Pay, Separation Pay, Wages-In-Lieu of Notice, bonus, profit sharing, etc.) DO NOT include vacation pay or earned wages.

type of payment N/A in the amount of \$ _____ for period from: _____ to _____

Date above payment(s) was/will be issued to employee: _____

IF EMPLOYEE RETIRED, furnish amount of retirement pay and what percentage of contributions were paid by the employer.

\$ _____ per month _____ % of contributions paid by employer.

6. Did this employee earn at least \$3,500.00 in your employ? ☒ YES ☐ NO If NO, how much? \$ _____Average Weekly Wage: \$ 520.00

Employer's

Name Delta Force GroupGa. DOL
Account
Number8 3 6 9 4 0 - 0 7

(Number shown on Employer's Quarterly Tax and Wage Report, Form DOL-4.)

I CERTIFY that the above worker has been separated from work and the information furnished hereon is true and correct. This report has been handed to or mailed to the worker.

Address 1200 Lake Hearn DriveSuite 200City Atlanta State GA Zip Code 3 0 3 1 9

Employer's

Telephone No. (4 0 4) 2 5 2 - 8 9 0 0 Ext. _____

NOTICE TO EMPLOYER

At the time of separation, you are required by the Employment Security Law, OCGA Section 34-8-190(c), to provide the employee with this document, properly executed, giving the reasons for separation. If you subsequently receive a request for the same information on a DOL-1199FF, you may attach a copy of this form (DOL-800) as a part of your response.

Signature of Official, Employee of the Employer
or authorized agent for the employer_____
Regional Support Specialist_____
Title of Person Signing_____
Date Completed and Released to Employee

NOTICE TO EMPLOYEE

OCGA SECTION 34-8-190(c) OF THE EMPLOYMENT SECURITY LAW REQUIRES THAT YOU TAKE THIS NOTICE TO THE GEORGIA DEPARTMENT OF LABOR FIELD SERVICE OFFICE IF YOU FILE A CLAIM FOR UNEMPLOYMENT INSURANCE BENEFITS.



State of Georgia
Department of Labor
SEPARATION NOTICE

1. Employee'sName Derrick S Cowan2. SSN 2 5 4 - 9 2 - 8 2 1 3a. State any other name(s) under which employee worked: N/A**3. Period of Last Employment:**From 06/27/2012To 09/10/2012**4. REASON FOR SEPARATION:**☐

a. LACK OF WORK

☒

b. If other than lack of work, state fully and clearly the circumstances of the separation. Type Below.

Lack of productivity**5. Employee received payment for: (Severance Pay, Separation Pay, Wages-In-Lieu of Notice, bonus, profit sharing, etc.) DO NOT include vacation pay or earned wages.**type of payment N/A in the amount of \$ for period from: to Date above payment(s) was/will be issued to employee:

IF EMPLOYEE RETIRED, furnish amount of retirement pay and what percentage of contributions were paid by the employer.

\$ per month % of contributions paid by employer.**6. Did this employee earn at least \$3,500.00 in your employ?** ☒ YES ☐ NO If NO, how much? \$ Average Weekly Wage: \$ **Employer's**Name Serenade Holdings, LPAddress 1200 Lake Hearn DriveSuite 200City Atlanta State GA Zip Code 3 0 3 1 9**Employer's**Telephone No. (4 0 4) 2 5 2 - 8 9 0 0 Ext. Ga. DOL
Account
Number060065-00

(Number shown on Employer's Quarterly Tax and Wage Report. Form DOL-4.)

I CERTIFY that the above worker has been separated from work and the information furnished hereon is true and correct. This report has been handed to or mailed to the worker.

Signature of Official, Employee of the Employer
or authorized agent for the employerCommunity Manager

Title of Person Signing

9-10-12

Date Completed and Released to Employee

NOTICE TO EMPLOYER

At the time of separation, you are required by the Employment Security Law, OCGA Section 34-8-190(c), to provide the employee with this document, properly executed, giving the reasons for separation. If you subsequently receive a request for the same information on a DOL-1199FF, you may attach a copy of this form (DOL-800) as a part of your response.

NOTICE TO EMPLOYEE

OCGA SECTION 34-8-190(c) OF THE EMPLOYMENT SECURITY LAW REQUIRES THAT YOU TAKE THIS NOTICE TO THE GEORGIA DEPARTMENT OF LABOR FIELD SERVICE OFFICE IF YOU FILE A CLAIM FOR UNEMPLOYMENT INSURANCE BENEFITS.

I am a leasing agent in the Apartment rental industry for over 15 years. The company that I last leased for was 1st Community Properties. I was the only male leasing agent at this property. I was fired by a new female manager and told that the reason for my being fired was due to lack of productivity. This was not true as I was given a team goal of 30 resident move in's for the month of August. I moved in 15 residents and my female co-leasing agent moved in 11 residents. Missing the goal by 4 move in's.

I was called in and fired by my new one week Property Manager. Her name is Stephanie. She said that she had some hard decision to make and that she and Brian our regional manager felt that I was not a good fit for the property. She said that I would be classified as re-hirable and she gave me a Separation Notice that had no signature; the wrong company name and stated that the reason for my termination was other than lack of work. The reason stated was "Lack of Productivity".

I inquired with an email to HR Mrs. Leslie Kirkpatrick the HR Director. She called me on my cell and advised that she was uniformed about my termination and said that I would have to take the matter of the wrong separation notice and other issues with Stephanie and Brian.

I immediately forwarded the email to Brian and sent him a similar inquiry about my employment status and the reason why I was being terminated. The email was not responded to with a return email reply or a phone call.

I was later contacted by a male staffer of HR and told that I could pick the corrected Separation Notice from Stephanie. I was avoided by Stephanie when I went by the office to pick the Separation Notice up.

I then filed a claim with EEOC for Discrimination on 09/18/2012.

A handwritten signature in black ink, appearing to read "David Brown". The signature is written in a cursive, flowing style with a large initial "D".

Subject: Employment Status
From: Derrick Cowan (derrickcowan@ymail.com)
To: bfiles@firstcommunities.net;
Cc: dpadilla@firstcommunities.net;
Date: Tuesday, September 11, 2012 5:26 PM

Dear Brian Files,

I have attached a letter of concern that was forwarded to Leslie Kirkpatrick via email. Upon her review she advised that I would need to address my concern on my separation matter with you and/or Stephanie about the incorrect separation notice that I was given.

I feel that the reason given for my separation is inaccurate and would like to request that it be changed to reflect my work performance in accordance with the productivity that I had been told was to be expected of me.

My separation notice was unsigned and it states the wrong employer information. I was also told that I would be re-hire able. I would like to get this fact of my re-hire status confirmed. In light of my not being advised that my production prior to my termination ever being a issue verbally or in writing.

I would appreciate the opportunity to remain gainfully employed with First Community if my status is re-hire able in or out of your portfolio.

I can be reached via cell phone at 404-492-2742 or return email.

Sincerely,
Derrick Cowan

Subject: Employment Status
From: Derrick Cowan (derrickcowan@ymail.com)
To: lkirkpatrick@firstcommunities.net;
Date: Tuesday, September 11, 2012 1:53 PM

Dear Mrs. Kirkpatrick,

I am inquiring about my employment status as I am confused after being terminated by Stephanie yesterday.

I was told that she had hard choices to make and I was given an unsigned separation notice stating that the reason for my separation was "Lack of productivity."

I find this shocking considering that I leased 15 units last months and was on track to do the same or better this month.

She advised me that I would be re-hirable, which also confuses me. If I am re-hirable why am I truly being terminated?

This termination seems to be unjustifiable and is more than an unfair characterization of my work performance.

I have never been warned about any deficiency with my productivity and based on what was told to me as a leasing expectation I exceeded that by more than 50%.

Realizing that Georgia is a right to work state, I would expect at a minimum to be advised honestly as to the reason why I am being terminated.

If you could assist in advising me of any options available to me if in fact I am re-hirable to remain gainfully employed with First Community/ Delta Force Group as stated on my separation notice. It would be greatly appreciated.

I can be reached via cell phone at 404-492-2742 or return email.

Sincerely,

Derrick Cowan



Staff Attorneys

Brian Ussery (FL)

James Spielberger (GA, SC)

Jonathon Mitchell (IL)

September 25, 2012

First Communities, Inc.
Attn: Human Resources
1200 Lake Hearn Drive
Suite 200
Atlanta, Georgia 30319
Fax: 404-252-9557

Re: *Your former employee, Derrick Cowan*

Dear Sir or Madame:

Please be advised that this law firm has been retained by Mr. Derrick Cowan with respect to certain issues relating to his employment with your company. Mr. Cowan has asked me to get involved based on his concern that he has been subjected to discrimination based on his gender (male) which culminated in his termination on or about September 10, 2012. Specifically, Mr. Cowan claims he was terminated for "lack of productivity" when in reality, he was producing more leases than any of the other similarly situated female employees in his office. Mr. Cowan believes the reasons for his termination were a pretext for discrimination.

Please note that my investigation of Mr. Cowan's potential claims is ongoing. In the interim, this letter serves as notice of your ongoing legal duty to preserve any and all information relevant to the facts surrounding these potential claims. Your duty to preserve evidence extends to the following: 1) business records, 2) paper, digital, or electronic files, 3) data generated by and/or stored on you or your client's computers and storage media (e.g., hard disks, floppy disks, backup tapes), 4) any other electronic data, such as: voice mails, text messages, emails, digital/analog audio recordings, 5) any related physical evidence, and 6) any form of video recordings (please prevent the automatic deletion of video footage by preprogrammed deletion cycles). Violations of the legal duty described in this notice can result in severe sanctions being imposed for spoliation of actual evidence or potential evidence.

Main Office: 656 Coleman Blvd. • Suite 405 • Mount Pleasant, SC 29464
Mailing & Administration: 3902 Henderson Blvd. • Suite 201 • Tampa, FL 33629
Phone (800) 965-1570 • Fax (866) 580-7499



ATTORNEYS AT LAW

Wednesday, October 17, 2012

OFFICES

James Spielberger ††
Brian Ussery *
Jason McGrath †*♦♦
Jonathon Mitchell ***♦

Charleston
Chicago
Atlanta
Charlotte
Nashville
Memphis
Raleigh
Tampa

Via Facsimile U.S. Mail

First Communities, Inc.
Attn: Human Resources
1200 Lake Hearn Drive
Suite 200
Atlanta, Georgia 30319
Fax: 404-252-9557

Re: Your former employee, Derrick Cowan

Dear Sir or Madame:

On September 25, 2012, I issued a demand letter on behalf of my client, Mr. Derrick Cowan, via certified mail, which was received by a representative from your organization on or about, September 27, 2012. A copy of that demand letter and the certified receipt has been attached hereto for your review. As of the date of this letter, I have not received a response.

This letter serves as a second and final attempt to determine any interest your organization may have in resolving this matter before Mr. Cowan is forced to pursue his available administrative and/or civil remedies. If you are interested in discussing this matter further please contact me directly at 1-800-965-1570, ext. 103. If I do not hear from you, or a representative from your organization, within five (10) business days of your receipt of this letter, I will assume you are not interested in resolving this matter and will proceed accordingly on my client's behalf.

Thank you for your attention to this matter. I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Spielberger', written over a horizontal line.

James Spielberger

OF COUNSEL:

LICENSED IN:

† SC
* GA
† NC
* IL
* TN
* FL

cc: Derrick Cowan
Brian Ussery, Managing Partner

Main Office: 656 Coleman Blvd. • Suite 405 • Mount Pleasant, SC 29464
Mailing & Administration: 3902 Henderson Blvd. • Suite 201 • Tampa, FL 33629
Phone (800) 965-1570 • Fax (866) 580-7499



ATTORNEYS AT LAW

James Spielberger, Esq. (Admitted in GA, SC)

Brian Ussery, Esq. (Admitted in FL)

January 11, 2013

Derrick Cowan
3276 Clifton Farm Dr.
Decatur, GA 30034
Email:derrickcowan@ymail.com

RE: Derrick Cowan/First Community Inc.

Dear Mr. Cowan:

Thank you for choosing our firm to represent you in your employment matter. We have documented and aggressively pursued your claims in an effort to resolve your concerns short of formal administrative action or litigation. Despite our best efforts, First Community Inc. has indicated that it has no interest in resolving your claims at this time. Thus, we have exhausted available avenues for resolution in this pre-lawsuit stage.

Should you wish to continue to pursue your claims against First Community Inc., we urge you to pursue your concerns with the appropriate government agency charged with enforcing your rights in the workplace. We have provided internet and contact information to those agencies below. *Please be advised that your claims may be subject to certain statutory deadlines.* For instance, a charge must be filed with EEOC within 180 days from the date of the alleged violation. If you fail to file your charge within the deadline, you may lose your right to file the charge altogether.

Based on your retainer agreement with our firm, we have fulfilled all of our obligations to you without incurring additional legal costs or fees. As of today, we are closing your file and your case status is "closed." This concludes our representation of you under the retainer agreement you signed on July 17, 2012. Again, thank you for choosing the Providian Law Group and we wish you the best of luck in all your future endeavors.

Discrimination/Harassment/Retaliation Issues

United States Equal Employment Opportunity Commission

Atlanta District Office

100 Alabama Street, SW, Suite 4R30

Atlanta, Georgia 30303

1-800-669-4000

1-404-562-6909 Facsimile

<http://www.eeoc.gov/employees/howtofile.cfm>

Wage and Hour Disputes

US Dept. of Labor - Wage & Hour Division

Atlanta District Office

61 Forsyth Street, SW

Room 7M10

Atlanta, GA 30303

1-404-893-4600

1-866-487-9243

<http://www.dol.gov/whd/>

Best Regards,

A handwritten signature in black ink, appearing to read "James Spielberg", written in a cursive style.

James Spielberg

Cc: Brian Ussery



**U.S. Equal Employment Opportunity Commission
Atlanta District Office**

100 Alabama Street, S.W.
Suite 4R30
Atlanta, GA 30303
(404) 562-6887
(404) 562-6801 TTY
(404) 562-6909 FAX

Derrick Cowan
3276 Clifton Farms
Decatur, GA 30034

Re: FOIA No.: 4102013175827
EEOC # 410-2012-06457

February 07, 2013

Dear Mr. Cowan:

Your request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received by the Atlanta District Office on January 02, 2013 is assigned the above FOIA number. It will be processed by Ralph Cooper who can be reached at (404) 562-6887.

[X] EEOC will issue a determination on your request on or before March 08, 2013. FOIA and EEOC regulations provide 20 working days to issue a determination on a request, not including Saturdays, Sundays and federal holidays. In unusual circumstances, EEOC may extend the 20 working days by 10 additional working days or stop processing your request until you respond to our request for fee or clarifying information. Should EEOC take an extension or stop processing your request, notice will be issued prior to the expiration of the 20 working days.

[] Your unperfected request under the FOIA was received on January 02, 2013. The request will not be assigned for processing until it is perfected by the submission to this office a copy of a "Filed" marked court Complaint on the above charge. Failure to submit a copy of the "Filed" marked Complaint within 30 days of your receipt of this letter may result in the administrative withdrawal of your request. Upon receipt of the "Filed" marked Complaint, your request will be perfected and processing will begin. At that time, EEOC will issue a letter acknowledging receipt of your perfected FOIA request, providing the name of the person who will be processing your request, and the date by which you may expect to receive a response from me. You may contact the Requester Service Center for status updates on your FOIA request or for FOIA information by telephone to (202) 663-4500, by fax to (202) 663-4679, by e-mail to FOIA@eeoc.gov, or by mail to the EEOC, Requester Service Center, 131 M Street NE, Suite 5NW02E, Washington, DC 20507. Additionally, if you submitted your FOIA request on line, you may monitor its status at <https://egov.eeoc.gov/foia/>.

Cordially,

A handwritten signature in cursive script, reading "Bernice Williams-Kimbrough", is written over a horizontal line.

Bernice Williams-Kimbrough
District Director

Atlanta District Office
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
100 Alabama Street, S.W.
Suite 4R30
Atlanta, GA 30303

OFFICIAL BUSINESS
Penalty for Private Use, \$300



02 1A
0004393451 FEB 11 2013
\$ 00.46
MAILED FROM ZIP CODE 30308

30034370975



Potential Witness List

Rachel Jones: Property Mgr that hired me with the approval of Brian File. Has been transferred to another property: 770-873-3798 cell

Candace LNKN : Assistant Manager current employee: 678-463-7336 cell/

Property phone 404-243-1440

Carry Kawoskie: Resident Services/ Transferred to another property: 678-927-4141

Ave Maria: Leasing Consultant currently employed: 706-993-0613 cell/ Property 404-243-1440

Janice LNKN: Leasing Agent that was terminated shortly after I started.